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THE COMPARISON OF CONDEMNATION FOR PERPETRATORS OF TRAFFICKING IN PERSONS BETWEEN INDONESIA AND THAILAND

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Abstract

Crimes of trafficking in persons are not only cross-regional but have become cross-country with the majority of conditions in Indonesia as sending areas that were originally traded abroad. It strengthens the context of trafficking has become a multinational problem. The regulation of punishment for criminal perpetrators acts of trafficking has been stated in separate laws outside the provisions of the Criminal Code (KUHP). The term exploitation, trafficking along with their actions/ways/ objectives and forms of participation, as well as criminal sanctions for perpetrators are things that become comparisons in discussions between Indonesia and Thailand. The selection of Thailand as a country compared to the provisions of its punishment with Indonesia was due to the Thai government based on the U.S report. Department of State, Victims of Trafficking and Violence Protection Act of 2000, "Trafficking Report June 2012 is placed on Tier 2 Watch List (WL).

Keywords: Criminalization, Actors, Trafficking



A. Introduction

The consideration of Law Number 21 of 2007 concerning the Eradication of Crime in Trafficking (State Gazette of the Republic of Indonesia in 2007 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 4720, hereinafter abbreviated as the Trafficking) explains that trafficking has increased in the form of an internationally organized crime network. The legislation used in handling trafficking has not been able to provide an integrated and comprehensive legal basis to reduce the significant number of victims trafficking. The contents of the consideration of the Trafficking as follows:

- a. that every person as a creature of God Almighty has human rights in accordance with the his dignity and protected by laws based on Pancasila and the 1945 Constitution of the Republic Indonesia;
- b. trafficking in persons, especially women and children is an act that is contrary to human dignity and violates human rights, so it must be eradicated;
- c. trafficking has expanded in the form of organized and unorganized criminal networks, both between countries and within the country, thus posing a threat to society, the nation and the state, and to the norms of life-based on respect for human rights;
- d. the desire to prevent and overcome the crime of trafficking is based on noble values, national commitments, and international efforts to make prevention efforts early on, prosecution of perpetrators, protection of victims, and increased cooperation;
- e. the legislation relating to trafficking has not provided a comprehensive and integrated legal basis for efforts to eradicate the crime of trafficking.

The increasing problem in trafficking of women and children in various countries, especially developing countries, has become the concern of the international community and international organizations, especially the United Nations (UN). The seriousness of the government in the context of preventing, overcoming and simultaneously processing the perpetrators of criminal acts of trafficking was also stated by Didik Endro



Purwoleksono that it is worth noting that today it is related to trafficking, namely:

1. trafficking victims tend to increase, a concern both nationally and globally;
2. victims are generally women and children (including boys for paedophilia, etc.);
3. data on trafficking victims is an Iceberg phenomenon
4. Indonesia's position in the issue of trafficking as a country of origin, transit and destination.
5. a crime that is quite tempting in terms of income compared to other crimes.
6. an organized crime.

B. Method

This type of research was legal researching that was normative by using a problem approach in the form of a statute approach and comparative approach. Both approaches to this problem were carried out by examining the laws on criminal trafficking in persons that apply in Indonesia and Thailand. This approach was used to analyze, describe, systematize, and interpret the national legal instruments of Indonesia and Thailand.

C. Research Finding

The term trafficking is contained of Article 1 number 1 of Trafficking, namely:

Trafficking is the act of recruiting, transporting, sheltering, sending, transferring or receiving someone with the threat of violence, use of violence, abduction, confinement, forgery, fraud, abuse of power or vulnerable positions, debt bondage or giving fees or benefits, so that the person who controls the other person, whether done in the country or between countries, for the purpose of exploitation or causing the person to be exploited.



The elements of trafficking mentioned above consist of 3 (three) basic substances, namely actions, methods, and objectives. The three basic substances have the meaning that:

1. The act of recruiting, transporting, sheltering, sending, transferring, or receiving someone must be interpreted separately in the occurrence of trafficking as an alternative, at least one of these actions is carried out;
2. To carry out the act of recruiting, transporting, sheltering, sending, transferring, or receiving someone, it is enough to use one of the methods already a series of trafficking;
3. Conducting one of the actions using one of the methods contained in the table above must have the purpose of being exploited or causing the person to be exploited;
4. The element of trafficking must be fulfilled by carrying out one of the actions by using one of the methods which is intended to be exploited or causes the person to be exploited.
5. The three basic substances are carried out within the state and between countries for the purpose of exploitation or to cause people to be exploited.
6. Acts that are deemed as criminal trafficking are trade criminal trafficking and other criminal acts related to criminal trafficking

The elements of criminal trafficking in the Trafficking Act consist of several actions, including:

- a. The act of recruiting, transporting, sheltering, sending, transferring or receiving someone with the threat of violence, the use of violence, kidnapping, confinement, fraud, abuse a power or vulnerable position, debt bondage or giving fees or benefits even though the person holding the agreement control of other people, for the purpose of exploiting that person in the territory of Indonesia Republic (Article 2 paragraph 1).
- b. Actions include people into the territory of the Republic of Indonesia with the intention of being exploited in the territory of the Indonesia Republic or exploited in other countries (Article 3).



- c. Actions bring Indonesian citizens outside the territory of Indonesia Republic with the intention of being exploited outside the territory of Indonesia Republic (Article 4).
- d. The act of adopting a child by promising something or giving something with the intention to be exploited (Article 5).
- e. The act of sending a child in or out of the country in any way that results in the child being exploited (Article 6).
- f. Acts try to move other people to commit criminal acts of trafficking, and the crime does not occur (Article 9).
- g. Acts help or conduct experiments to commit criminal acts of trafficking (Article 10). Acts plan or commit malicious agreements to commit criminal trafficking (Article 11). The act in using or utilizing victims of trafficking by committing intercourse or other obscene acts with victims of trafficking, employing victims of trafficking to continue the practice of exploitation, or taking advantage in proceeds of trafficking (Article 12).

In 2008 the Thai government issued a law to prevent and eradicate trafficking in women and children. This law is called The Anti-Trafficking Act B.E. 2551. The enactment of the law revokes the previous law, namely The Measures in Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 issued in 1997.

The Government of Thailand is based on the U.S report. The Department of State is placed in the Tier 2 Watch List (WL). The Thai government formulated various terms in trafficking in persons contained in The Anti-Trafficking Act B.E. 2551 outside the arrangement of Chapter I. These terms are about exploitation, forced labour or service, organized crime groups, children, funds, committees, members, official functionary, and ministers. The term exploitation in The Anti-Trafficking Act B.E. 2551 is meant,

means seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labour or service, coerced removal of organs for the purpose of trade,



or any other similar practices resulting in forced extortion, regardless of such person's consent.

D. Discussion

1. Regulation of Crime Trafficking in Indonesia

The elements of the crime trafficking at Article 2 of the Law on Trafficking is the process of action which causes the criminal occurrence acts of trafficking that an alternative with the existence of conjunctions. Every person who carries out one of the acts of recruiting, transporting, sheltering, sending, transferring or receiving someone is deemed to have carried out some crime elements of trafficking. One of these actions must use a method that is also determined alternatively, namely by the threat of violence, the use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable positions, debt bondage or providing payments or benefits.

The crime elements of trafficking Article 3 of the Trafficking Law describes Indonesia as one of the destination countries or a transit country for the crime of trafficking. A crime victim of trafficking can be foreigners who are trafficked to the territory of Indonesia or traded through Indonesian territory to other countries as destination countries. The provisions of the article contain territorial principles to the exclusion of perpetrators, both Indonesian citizens and foreign nationals who have committed criminal acts of trafficking in Indonesian territories or territories must comply with the Trafficking in Persons Act.

A crime element of trafficking Article 4 of the Trafficking above describes Indonesia as one of the origin countries/crime sources of trafficking. Victims of trafficking is Indonesian citizens who are trafficked outside Indonesian territory so that they contain passive national principles.

Crime elements of trafficking is intended to be exploited in the territory of Indonesia Republic or exploited in other countries contained the provisions of Article 3 of the Trafficking and criminal elements of trafficking intended to be exploited outside the territory of Indonesia



Republic contained in the provisions Article 4 of the Act on Trafficking is the same as intentional. Intentional purpose (*oorgmerk*) means that the occurrence of an action or certain effect (which is in accordance with the formulation of criminal law), is really as an embodiment of the intent or purpose and knowledge of the perpetrator.

As a result of the actions in Article 3 and Article 4 of the Trafficking victims of trafficking have not been exploited in the territory of Indonesia Republic or exploited in other countries or exploited outside the territory of Indonesia Republic stated. The trafficker can be convicted according to the criminal provisions of these articles.

The Trafficking also includes arrangements for participation contained in Article 9, Article 10, Article 11, and Article 12. Participation includes all forms of participation/involvement of people or people both psychologically and physically by doing each act thus giving birth to a crime.¹

Participation involves more than one person and each participant has different duties and roles in realizing the goal of trafficking. Some forms of participation in accordance with the elements of criminal trafficking contained the articles described above are as follows:

1. Trying to move other people to commit criminal acts of trafficking as referred to in Article 9, is a form of a down pledge. In this case, someone tries to move other people by telling the person to commit the crime of trafficking and materialize or not the realization of the crime is not caused directly by the act in the author of the order, but by the actions of other people names, the person ordered.
2. Assisting or conducting an attempted criminal act of trafficking as referred to in Article 10, is a form of *medeplichtige*. In this case, the helper maker can be divided into providing assistance at the

¹ Adami Chazawi, *Pelajaran Hukum Pidana Bagian 3 Percobaan & Penyertaan*, RajaGrafindo Persada, Jakarta, 2002, h. 71.



implementation time of the crime and the provision of assistance before the implementation of the crime.²

3. To plan or conduct a conspiracy to commit a criminal act of trafficking as referred to Article 11, is a form of participating (mede plegen).
4. Using or utilizing victims of human trafficking by committing intercourse or obscene acts with victims of trafficking, employing victims of trafficking as referred to Article 12, is a form of uitlokken. Advocacy occurs in the event that the intent of the proponent by misusing his power encourages the crime victim trafficking to commit a crime as referred to by the proponent maker.

The element trafficking in Article 9, namely attempting to mobilize another person to commit trafficking as a form of uitlokker must be accompanied by an intentional element of the advocate who encourages another person to do the act as recommended by the advocate.

The intentional element of providing assistance as stipulated in Article 10 of Trafficking that every person who assists or conducts an attempt to commit a criminal act of trafficking is punished with the same crime as referred to in Article 2, Article 3, Article 4, Article 5, and Article 6 to carry out or realize the crime of trafficking in mind of the perpetrator which is to support the crime of others, it must be real and the intention to help others must be realized. The realization of such assistance is whether those who intentionally provide assistance when the crime of trafficking is manifested or which intentionally provides assistance to carry out or realize the crime of trafficking.

The form of medeplegen Article 11 is a form of participation and commits a criminal act of trafficking involving more than 1 (one) participant or referred to as a participant (medepleger), indicating the existence of cooperation between participants and participants who have

² Abidin Farid dan Hamzah, *Bentuk-bentuk Khusus Perwujudan Delik (Percobaan, Penyertaan, dan Gabungan Delik) dan Hukum Penitensier*, RajaGrafindo Persada, Jakarta, 2006, h. 79.



committed a crime trafficking. Both of these conditions must be supported by the intentional element in the participants that the element of intentions aimed at resolving the crime of trafficking is the same as the intent of the executor. Thus the interests of participants are the same as the interests of the criminal realization trafficking executor in term as stipulated in Article 11 of the Trafficking that every person who plans or conspires to commit a crime of trafficking is punished with the same the offender as referred to in Article 2, Article 3, Article 4, Article 5, and Article 6.

2. Arrangement of Crime at Trafficking in Thailand

Criminalization of trafficking in The Anti-Trafficking B.E. 2551 is in Chapter 1 beginning with Section 6 which determines,

Whoever, for the purpose of exploitation, does any of the following acts:

- (1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or
- (2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child; is guilty of trafficking.

Trafficking in The Anti-Trafficking B.E. 2551 when the elements described contain definitions consisting of 3 (three) elements as stated in Article 3 (a) The Trafficking Protocol, namely actions, methods, and objectives. Anyone found guilty of trafficking when doing:

1. Action, one of the actions is in the form of:
 - a. procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person; or
 - b. procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child.



2. Way, in the form of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control.
3. The purpose is exploitation.

Referring to the whoever, for the purpose of exploitation, does any of the following acts in the beginning Section 6 then this provision is alternative in that anyone is found guilty of trafficking when doing what is meant in Section 6. (1) or Section 6. (2). However, the provisions of Section 6. (2) of its elements are only in the form of actions and objectives for exploitation, not contained in the clarity of provisions concerning the manner carried out by the perpetrator against the child as referred to in Section 6. (1) namely the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control. The absence of such formulation means that there is no limit on the way in which the perpetrator can be blamed for child trafficking, but what is seen the action referred to in Section 6. (2) and for the purpose of exploiting any means carried out by the perpetrator either through the method referred to in Section 6. (1) or not, continue to be processed by law and sentenced according to criminal provisions in The Anti-Trafficking BE 2551. The foregoing is in accordance with Article 3 (c) The Trafficking Protocol.

The Anti-Trafficking B.E. 2551 also regulates provisions regarding assistance, trial and participation in trafficking. In Section 7 can be classified as assistance in trafficking. The action is in the form of:

1. Supporting the commission of an offence of trafficking;
2. Aiding by contributing property, procuring a meeting place or lodge, for the offender of trafficking;
3. Assisting by any means so that the offender of trafficking may not be arrested;
4. Demanding, accepting, or agreeing to accept a property or any other benefit in order to help the offender of trafficking not to be



punished;

5. Inducing, suggesting or contacting a person to become a member of the organized criminal group, for the purpose of committing an offence of trafficking.

From the provisions above, one of the actions taken by anyone according to Section 7 is also punished as a trafficker. There are no criminal mitigation provisions for assistance, but are equated as traffickers (Section 6). The assistance referred to in this provision can be divided into:

1. Assistance carried out before the implementation of trafficking, namely
 - a. Supporting the commission of an offence of trafficking;
 - b. Aiding by contributing property, procuring a meeting place or lodge, for the offender of trafficking;
 - c. Inducing, suggesting or contacting a person to become a member of the organized criminal group, for the purpose of committing an offence of trafficking.
2. Assistance carried out after the implementation of trafficking, namely
 - a. Assisting by any means so that the offender of trafficking may not be arrested;
 - b. Demanding, accepting, or agreeing to accept a property or any other benefit in order to help the offender of trafficking not to be punished.

In contrast to the provisions of assistance as referred to in Section 7 above, the trial to conduct trafficking is contained in 2 (two) sections. The first is based on Section 8 of The Anti-Trafficking B.E. 2551 anyone who prepares to conduct trafficking is not equated as an actor who has fulfilled all the trade elements of Section 6. For the experimenter, in this case making preparations to conduct trafficking is subject to (one third) of the penalties stipulated for Section 6. The Anti-Trafficking BE 2551 contains basic provisions for criminal mitigation for perpetrators of trafficking.

The second, based on Section 9 that two persons upwards, conspires to commit as aforesaid by Section 6 is a form of participation in conspiracy to conduct trafficking whose perpetrators comprise more than 2 (two)



people. This form of participation in conspiracy to conduct trafficking determines the criminal for the perpetrator is more severe than the provisions of Section 8. The provisions of Section 9 are determined by the number of perpetrators must be more than 2 (two) so that the penalty is not more than 1½ perpetrators of conspiracy participation that have started the stage of conducting trafficking, but the crime of trafficking in persons cannot be carried out until it completes all the elements of Section 6, then the criminal sanction given to the perpetrator is the same as the above. 6.The Anti-Trafficking B.E. 2551 also contains provisions on criminal penalties for traffickers. The criminal offense set out in Section 6 applies to legal subjects other than Whoever who conduct trafficking in persons, namely legal subjects:

1. Organized criminal group, based on Section 10 each member of this organized group of criminal offenders who know and conspire to conduct trafficking in persons shall be subject to more severe criminal penalties set out in Section 6, ie 1½ times the criminal set out for Section 6.
2. Official, pursuant to Section 12, shall be subject to a sentence that is more severe than the criminal stipulated for Section 6, that is, with 2 penalties stipulated for Section 6.
3. Member of the House of Representatives, member of the Senate, member of a Local Administration Council, Local Administrator, Government Official, employee of the Local Administration Organization, or employee of an organization or a public agency, member of a board, executive, or employee of state enterprise, an official, or member of a board of any organization under the Constitution, based on Section 13 subject to a sentence that is more severe than the criminal stipulated for Section 6, that is 2 penalties set out for Section 6.
4. Member of the Committee, member of Sub-Committee, member of any working group and competent official empowered to act in accordance with this Act, based on Section 13 subject to a sentence that is more severe than the criminal stipulated for Section 6, that is



as many as 3 times the criminal set out for Section 6.

Criminal sanctions imposed on traffickers in The Anti-Trafficking B.E. 2551 only consists of imprisonment and criminal penalties. These criminal provisions include:

1. Traffickers are subject to a minimum imprisonment of 4 (four) years and a maximum of 10 (ten) years and a fine of at least 80,000 Baht and a maximum of 200,000 Baht (Section 52).
2. Traffickers who trafficked a child whose age exceeds fifteen years but has not reached eighteen years, the offender is subject to a maximum of 6 (six) years imprisonment and a maximum of 12 (twelve) years and a minimum fine of 120,000 Baht and at most 240,000 Baht (Section 52).
3. The trafficker who trafficked children do not exceed fifteen years of age, the offender is subject to a minimum of 8 (eight) years imprisonment and a maximum of 15 (fifteen) years and a minimum fine of 160,000 Baht and a maximum of 300,000 Baht (Section 52).
4. Juristic person conducting the trade is subject to a fine of at least 200,000 Baht and a maximum of 1,000,000 Baht (Section 53) and juristic person is caused by an order or an act of any person, or the omission to issue an order or perform an act which is the obligation of the managing director, or any person who is responsible for carrying out the business of the said juristic person subject to a maximum of 6 (six) years imprisonment and a maximum of 12 (twelve) years and a fine of at least 120,000 Baht and a maximum of 240,000 Baht (Section 53).
5. People who obstruct the process of investigation, prosecution or court proceedings on trafficking cases so that the legal process cannot be carried out properly, the perpetrators are subject to a maximum imprisonment of 10 (ten) years and a maximum fine of 200,000 Baht (Section 54).
6. Believe that any other document or information sent by post, telegram, telephone, facsimile, computer, communication device or equipment or any information technology media has been or may be



used to commit offence of trafficking (Section 30) subject to a maximum of 5 (five) years imprisonment and a maximum fine of 100,000 Baht. (Section 55).

7. People who leak information through electronic and non-electronic information communication media about victims and families of trafficking victims, except for the benefit of Thai government in protecting and providing assistance to victims and families of trafficking victims, subject to a maximum jail sentence of 6 months and / or maximum fine of 60,000 Baht (Section 56).

From the criminal provisions mentioned above, there are various matters regulated in The Anti-Trafficking B.E. 2551, including:

1. Only stipulated basic criminal provisions in the form of imprisonment and fines, there are no additional criminal penalties or administrative sanctions;
2. There are no criminal provisions for legal entities as traffickers, which are only criminal provisions for Organized Criminal Group;
3. There are criminal penalties for perpetrators of child victims trafficking with criminal differentiation based on the age limit of child victim;
4. There are 2 (two) forms of basic criminal sanctions, namely cumulative for imprisonment and criminal penalties (Section 52-55) and alternative cumulative penalties and/or criminal fines (Section 56);
5. Straf maxima given to traffickers, namely any member of the Committee, member of Sub-Committee, member of any working group and competent official empowered to act in accordance with this The Anti-Trafficking B.E. 2551 in the form of a criminal 3 (three) times from Section 52 (imprisonment for a minimum of 4 (four) years and a maximum of 10 (ten) years and a fine of at least 80,000 Baht and a maximum of 200,000 Baht);
6. There are various restrictions on the straf minima for traffickers, namely the 4-year strategy (Section 52) and 1 day (Section 54-56).



E. Conclusion

Thailand mentioned above, there are similarities and differences in criminalization characteristics of criminal perpetrators trafficking. There are fundamental equations related to the definition of exploitation terms and trafficking with elements in the form of actions, ways, and objectives. The formulation of the trafficking definition also has similarities with the provisions of the Trafficking in Persons Act applicable in Indonesia. The difference in the regulation of punishment between Indonesia and Thailand is shown in the table as follows:

Provisions	Thailand	Indonesia
Rule of law	The Anti-Trafficking B.E. 2551	Law Number 21 of 2007 (Trafficking)
Criminal compensation mitigation	<p>The provisions stated in the law:</p> <p>a. Criminal mitigation for perpetrators of attempted trafficking.</p> <p>b. Criminal charges for perpetrators consisting of:</p> <ul style="list-style-type: none"> - Organized Criminal Group - Official - Member of the House of Representatives, member of the Senate, member of a Local Administration Council, Local Administrator, Government Official, employee of the Local Administration Organization, or employee of an organization or a public agency, 	<p>The provisions stated in the law:</p> <p>a. Criminal mitigation for perpetrators who try to move other people to conduct trafficking, and that crime does not occur</p> <p>b. Criminal charges for perpetrators:</p> <ul style="list-style-type: none"> - which results in victims suffering serious injuries, severe mental disorders, other infectious diseases that endanger their lives, pregnancy, or being disrupted or loss of reproductive function - which resulted in the death of the victim - state administrators - a corporation - organized group - child trafficking



	<p>member of a board, executive, or employee of state enterprise, an official, or member of a board of any organization under the Constitution</p> <p>- Member of the Committee, member of Sub-Committee, member of any working group and competent official</p>	
Criminal provisions	<p>There are provisions in a separate Section listed in the law:</p> <ol style="list-style-type: none"> 1. For traffickers in the form of imprisonment for a minimum of 4 (four) years and a maximum of 10 (ten) years and a fine at least 80,000 Baht and a maximum of 200,000 Baht; 2. Sanctions consist of imprisonment and criminal penalties 3. Straf maxima in the form of imprisonment of 30 (thirty) years; Straf Minima in the form of various prison sentences,- Unlimited (Section 54-56)- imprisonment of at least 4 (four) years. (Section 52) 4. Criminal mitigation for perpetrators of attempted trafficking, namely (one third) of 	<p>There are provisions that are integrated with the elements of trafficking in the law:</p> <ol style="list-style-type: none"> 1. For traffickers Article 2, Article 3, Article 4, Article 5, and Article 6 in the form of imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp120,000,000.00 (one hundred twenty million rupiahs) and a maximum of Rp.600,000,000.00 (six hundred million rupiahs). 2. Sanctions consist of <ol style="list-style-type: none"> a. principal <ul style="list-style-type: none"> - imprisonment - criminal fine b. additional criminal <ul style="list-style-type: none"> - revocation of business license; - seizure of the proceeds of crime; - revocation of legal entity status; - dismissal of the management; and/or - prohibition to the board of directors to establish a



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| <p>criminal acts for traffickers.</p> <p>5. Criminal charges are determined by a variety of:</p> <ul style="list-style-type: none"> - 1½ times criminal for traffickers. - 2 times criminal for traffickers. - 3 times criminal for traffickers. <p>6. Imposing imprisonment and fines for perpetrators are 2 (two) provisions, namely cumulative for imprisonment and criminal fines (Section 52-55) and alternative cumulative for imprisonment and/or criminal fines (Section 56);</p> <p>7. There is no provision for substituting fines if the perpetrator cannot pay the fine</p> | <p>corporation in the same line of business.</p> <p>3. Straf maxima in the form of life imprisonment; The minimum standard is a minimum of 1 (one) year imprisonment.</p> <p>4. Criminal mitigation for perpetrators who try to mobilize other people to commit criminal acts of trafficking and the crime does not occur, in the form of imprisonment for at least 1 (one) year and no longer than 6 (six) years and a fine of at least Rp40. 000,000.00 (forty million rupiahs) and at most Rp.240,000,000.00 (two hundred forty million rupiahs)</p> <p>5. Criminal charges are determined by a variety of:</p> <ul style="list-style-type: none"> - causing the victim to suffer serious injuries, severe mental disorders, other infectious diseases that endanger his life, pregnancy, or be disturbed or the loss of his reproductive function criminal threats added from criminal threats Article 2, Article 3, Article 4, Article 5, and Article 6 - resulting in the death of the victim in the shortest prison sentence 5 (- The perpetrator of the State Organizer is punishable by adding (one third) of the threat of criminal Article 2, Article 3, Article 4, Article 5, and Article 6 - the perpetrator of a Corporation in the form of weighing 3 (three) times from the criminal dend as referred |
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to in Article 2, Article 3,
Article 4, Article 5, and Article
6.

- the perpetrators of organized
groups in the form of the same
criminal as referred to in
Article 2 plus (one third)
- carried out on children, the
criminal threat is added
(one third)

6. Imposing imprisonment and
fines for perpetrators are
determined cumulatively
 7. There is a provision about
substituting fines if the offender
cannot pay a fine, namely a
criminal substitute for a
maximum of 1 (one) year
(Article 25)
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